

Office of Administrative Law Judges Agriculture Decisions

INDEX

(Subject Matter)

JANUARY - DECEMBER 2000

ADMINISTRATIVE PROCEDURE	
bias	
burden of proof	53, 466
due process	97, 721
collateral estoppel	779
estoppel	629
Federal Register gives constructive notice	
knowledge of law	
res judicata	
standard of proof preponderance of evidence	
AGRICULTURAL MARKETING AGREEMENT A	.CT, 1937
ability to pay	
agency construction of rules	
almonds	
civil penalty	
claim preclusion	
Eighth Amendment	
equal protection	
excessive fines clause	
failure to state claim	507
Fifth Amendment	507
Fourteenth Amendment	507
grower	507
handler	
issue preclusion	

milk marketing order	21, 53
motion to dismiss	507
papaya marketing order	507
producer handler	21, 53
producer handler exemption	
raisins	
standing	
strict construction of exceptions	
timely filing	507
ANIMAL WELFARE ACT	
ability to pay	97
adequacy of complaint	
answer	
failure to file	97
failure to file timely	581
consideration of whole record	601
correction of violations	97, 601, 629
evidence	
new	97
substantial	534
exhibitors	97, 581
facilities	
adequate care	
adequate housing	
cleanliness of primary enclosures	
employees	
housekeeping	
identification	
recordkeeping	
refusing to allow inspection	
sanitation	
ventilation	
notice	
perimeter fence	
petition for reconsideration	
place of hearing	97
sanctions	07 (01 (20
cease and desist order	97, 601, 629
civil penalty	97, 581, 601, 629
license revocation	
license suspension	, , ,
search	
stay order	
veterinary care	97, 581, 601, 629
waste	
removal	
willful	534, 601

BEEF PROMOTION AND RESEARCH ACT	
civil penalty	117, 650
equal protection	117
official notice	
petition to reopen hearing	
preponderance of evidence	
sanction	
willful	
CONSTITUTIONAL ISSUES	
Commerce Clause	721
due process	97, 721
equal protection	
First Amendment	
Fifth Amendment	
Fourth Amendment	
Sixth Amendment	228
Eighth Amendment	
Fourteenth Amendment	507
Tenth Amendment	721
DEFAULT DECISIONS	
271, 273, 276, 282, 284, 287, 289, 291	, 294, 333, 336,
492, 494, 581, 770, 799, 801, 803, 808	, 810, 812, 815,
816, 818, 821, 823, 825, 829, 834, 839	, 841, 894, 896,
EQUAL ACCESS TO JUSTICE ACT	
adversary adjudication	148
answer, adequate	148
answer, timely	148
application, complete and timely	148
attorney fees	148
correct computation	
EAJA application	133, 148
fees and expenses	133, 148
noncompliance	
mistake of law and legislative history	
official duties	148

petition for reconsideration	144
prevailing party	
substantially justified	
EVIDENCE	
admissible	721
hearsay	721
preponderance standard	
FEDERAL MEAT INSPECTION ACT AND	
POULTRY PRODUCTS INSPECTION ACT	
bribery	194
collateral effects	194
felony convictions	194
mitigating circumstances	194
presumption of regularity	
sanction	
indefinite withdrawal of inspection services	194
policy	
testimony	194
HORSE PROTECTION ACT	
ability to pay	701
administrative law judge independence	721
adverse inference	
Atlanta protocol	721
entering a sore horse	228, 685, 701, 721
exhibiting	685
extension of time	
filing date	721
judicial officer independence	721
ownership	
palpation reliable	
petition to reopen hearing	713
referral to district court	721
right to jury trial	713
right to reopen hearing	
sanctions	
civil penalty	721
disqualification from showing or exhibiting	

showing
sore
state sovereignty 721
PACKERS AND STOCKYARDS ACT, 1921
alter ego299
evidence, preponderance of299
failure to pay
when due the full purchase price of livestock299
issuing checks without sufficient funds on deposit299
sanctions
policy299
suspension of registration
willful violations
PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930
bench decision
administrative law judge
authority to modify rules of practice351
effective date344, 351
failure to pay392
hearing clerk
authority to modify rules of practice351
issuance845
late appeal344, 351
late petition351
oral decision845
reparation proceedings
acceptance449
accountings
accrual of cause of action461
attorney fees449
burden of proof
contracts449
consignment449
counterclaim878
election of remedies878
evidence
Federal inspections866
jurisdiction449, 461, 471, 853

interstate commerce	449, 471
misrepresentation and mistake	866
statute of frauds	471
timeliness	461
unloading of products	449
responsible connection	
active involvement	367
alter ego	367
nominal officer, director, or partner	367
shareholder and owner distinguished	367
rules of practice	
sanctions	
publication of facts and circumstances	392
service	
timeliness of appeal	845
willful, flagrant and repeated violations	
, 8	
PLANT QUARANTINE ACT	
avocados	
civil penalty	
failure to file timely answer	
sanction policy	
RULES OF PRACTICE	
appeal	
late	344
petition for reconsideration	
timely	144
untimely	
4	
SANCTIONS, GENERALLY	
ability to pay	1, 97, 701
cease and desist order	
civil penalty	, ,
license	=>, 000, 101, 121, 110
disqualification	701. 721
suspension	,
revocation	, ,
publication of facts and circumstances	
sanction policy	
sanction poncy	·················· 1/7, 4//, //U